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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,651	12/20/2001	Lee Codel Lawson Tarbotton	NAI1P055/01.228.01	2715

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,651	Applicant(s) LAWSON TARBOTTON ET AL.	
	Examiner Michael Pyzocha	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-23,25-28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-23,25-28,30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-10, 12-23, 25-28, 30-31 are pending.
2. Amendment filed 12/13/2005 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-20, 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Q222193 - Description of the Windows 2000 Windows File Protection Feature" (hereinafter WFP) and further in view of Rickey et al (US 20020166059).

As per claims 1, 14, and 27, WFP discloses identifying factors associated with a computer; monitoring requests to write to files on the computer; and conditionally preventing the writes to the tiles on the computer based on the factors; wherein the factors are altered based on the monitoring of the requests (see pages 1-2).

WFP fails to disclose the preventing of writing is to prevent virus proliferation.

However, Rickey et al teaches viruses entering a system through critical files (see paragraph 63).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use WFP's method of blocking writes to files to prevent viruses from entering the system as in Rickey et al.

Motivation to do so would have been to obtain higher security (see Rickey et al paragraph 64).

As per claims 2 and 15, the modified WFP and Rickey et al system discloses the factors are selected from the group consisting of critical files, critical file locations, and trusted applications (see WPF page 2).

As per claims 3-4 and 16-17, the modified WFP and Rickey et al system discloses the factors are user configurable and identified in a registry (see page 2).

As per claims 5-7, 18-20 and 28, the modified WFP and Rickey et al system discloses the factors include critical files and critical file folder locations associated with an operating system of the computer (see pages 1-2).

As per claims 9-11 and 22-24, the modified WFP and Rickey et al system discloses the factors are updated based on a user

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request, the factors are updated remotely, and the factors are updated based on the requests (see pages 2-3).

As per claims 12-13 and 25-26, the modified WFP and Rickey et al system discloses conditionally preventing the writes to the files on the computer based on a user confirmation and the factors are updated based on the user confirmation (see bottom of page 2).

As per claim 30, the modified WFP and Rickey et al system discloses the factors include a list of critical files such that the list of critical files is updated based on the requests (see WFP page 2).

As per claim 31, the modified WFP and Rickey et al system discloses if one of the requests is initiated by an application that is not one of the trusted applications a user is alerted and allowed to at least one of prevent and permit the request initiated by the application (see WFP page 1).

5. Claims 8 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified WFP and Rickey et al system as applied to claims 2 and 15 above, and further in view of Stevens (US 20020133702).

As per claims 8 and 21, the modified WFP and Rickey et al system fails to disclose the factors include trusted applications that initiate the requests.

However, Stevens teaches a trusted application (see paragraph 19).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Stevens' trusted application in the file protection system of WFP and Rickey et al.

Motivation to do so would have been to allow trusted applications to access protected information (see paragraph 19).

Response to Arguments

6. Applicant's arguments filed 12/13/2005 have been fully considered but they are not persuasive. Applicant argues that WFP fails to teach monitoring write requests; WFP fails to teach altering and updating; WFP fails to teach user configuration; and Stevens fails to cure the deficiencies.

With respect to Applicant's argument that WFP fails to teach monitoring write requests, each time a file with written (i.e. modified) a write request occurs. Therefore when WFP is monitoring for modifications to files the write request is part of the change and therefore part of the monitoring; so the WFP system is monitoring write requests. Furthermore the combined reference of Rickey et al teaches monitoring write requests in

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paragraphs 7-9 and therefore the combination again teaches monitoring write requests.

With respect to Applicant's argument that WFP fails to teach updating, when a file is changed to an incorrect version, WFP replaces the file with the correct version, which is both altering and updating.

With respect to Applicant's argument that WFP fails to teach user configuration of the factors, at the bottom of page 1 WFP teaches that a user can allow a file to be updated and therefore the users configures a factor.

Applicant's argument with respect to Stevens is moot in view of the above response.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

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expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER